

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
FEBRUARY 13, 2008**

- CALL TO ORDER** A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Rita Hall, Randy Toavs, Marc Pitman, Mike Mower, Gordon Cross, and Gene Dziza. Frank DeKort had an excused absence. Eric Giles and Jeff Harris represented the Flathead County Planning & Zoning Office.
- There were approximately 10 people in the audience.
- PUBLIC REVIEW** Gordon Cross reviewed the public hearing process.
- APPROVAL OF MINUTES** Dziza made a motion seconded by Toavs to approve the January 9, 2008 meeting minutes.
- The motion was carried by quorum.
- PUBLIC COMMENT**
(not related to agenda items) None.
- FOSTER ZONE CHANGE
FZC 07-12** A Zone Change request in the Highway 93 North and Blanchard Lake Zoning Districts, by Dennis Foster on behalf of various landowners within the area requesting the zone change, from AG-40 (Agricultural) and AG-20 (Agricultural) to SAG-10 (Suburban Agricultural) and SAG-5 (Suburban Agricultural). The properties are located west of U.S. Highway 93 North and contain approximately 1,107 acres.
- STAFF REPORT** Eric Giles reviewed Staff Report FZC 07-12 for the Board.
- BOARD QUESTIONS** Mower said all the surrounding parcels are AG-20 and AG-40.
- Giles said some of them are significantly less than AG-20.
- Hall said Wentz could do a family transfer. She asked if the zone change was an all or nothing package.
- Giles said Wentz and Adams can do their own thing even if the zone change is approved. He said all the owners can be involved in a PUD if they wanted to. He gave the Board a written public comment received two days ago.
- Cross asked Giles to point out which parcels were located in the Whitefish Hills Subdivision.
- Giles showed on the map what properties were included in the Whitefish Hills Subdivision.

**APPLICANT
PRESENTATION**

Eric Mulcahy, Sands Surveying, represented the applicants. He said the Blanchard Lake Zoning District was created in 1993 and was created through a community effort. He said there were several large land owners that were opposed to the zoning district. Wentz came to Sands about two years ago for help on their property. The Wentz were looking at doing a family transfer to one of their sons and can't do it with the AG-40 zoning. The Adam's parcel doesn't have any plans for future development. There are two large holdings both owned by NUCO, who is the same developer that developed Whitefish Hills. Foster and Thorton do not have any immediate plans for development on their property. He asked for a favorable recommendation from the Board.

Hall asked if the Whitefish Hills Village and Forest would commit to the spending of paving KM Ranch Road.

Mulcahy said they have been discussing the option with the developers.

Hall said the Thortons purchased the land as a 20-acre parcel.

Thorton said it was purchased as a 40-acre parcel and went to a 20-acre parcel after a divorce.

Mulcahy said the zoning has not changed on the property.

**PUBLIC
COMMENT**

Russell Ryan, 495 Montegan Road, owns property in the Blanchard Lake Zoning District. He said Whitefish Hills Forest was originally AG-40 and then it was reduced to AG-20. He was one of the few owners that initially agreed to that. He said the developers have been good neighbors, but any large corporation wants things done their way. He doesn't care to see reductions in the AG-40 zoning district. He realized the population increases and subdivision is going to happen, but he wants it to happen in a logical progressive manner. The KM Ranch road isn't paved all the way and there is a problem with dust. Any additional transportation will aggravate the problem. Whitefish Hills was supposed to put some dust retardant on the road, but that only happened for the first year. His grandfather and he have owned the property for 60 years. He completely supports the Wendt zone change for dividing land for the family transfer, but doesn't support the zoning going down to SAG-10 in the area. The infrastructure on the KM Ranch road can not handle the added traffic. He has less opposition to the Whitefish Hills Village zone change because the zone change can be supported by existing infrastructure.

Robert Thorton, 1249 7th Ave. West, said he is excited about the prospect of giving the land to his kids. He wanted to put four homes on the land for his family. He learned in his studies that you can tell a tree by its fruit. Whitefish Hills was done nicely and their future developments will be as well.

Alan Wendt, 1325 KM Road, said his parents have been trying to do a family transfer to his brother for about ten years. He doesn't see where the family transfer will change the neighborhood value or appearance or character. He said very little of the land is used for AG zoning. He would like to see the zone change approved for his family.

David Hurl, 500 Whitefish Hills Drive, is on the Board of directors for the Whitefish HOA. The area that is designated on the map for Whitefish Hills Forest has been annexed into the Whitefish Hills subdivision. The problem is, the subdivision has a few 10-acre lots and it makes it difficult for the lot owners to conform to the subdivision's CC&R's because of setbacks.

Patrick Sullivan, 760 Whitefish Hills Drive, works for the developer. In Whitefish Hills, there is a partnership formed with the state lands department. He discussed logging and treating logs in the subdivision. When they were developing the subdivision they were responsible for containing the dust to the property. They only did dust abatement once because they were not creating dust. The developer paved 50-feet past the end of the NW corner of KM Ranch Road. There are quite a few lots around the Village Property that are way less than 5-acre parcels. The Timbers was just approved as a 5-acre lot subdivision. The increase in lot numbers would help with the tax base which would help with the infrastructure.

Don Murray, 431 1st Ave West, lawyer for Whitefish Hills. He didn't plan on saying anything tonight, but thought he could add some information. Mr. Hurl's concern about setbacks is a fair concern. There are 100-foot setbacks around every lot and the setbacks have been a subject of difficulty in enforcement. He said the smaller the lots, the greater the challenge for maintaining a 100-foot setback. The smaller lot owners can request 75-foot setbacks and the flexibility is there. He said Whitefish Hills is very environmentally sensitive. If the zone change is granted, and there is an amendment to the final plat of Whitefish Hills Forest, the Planning Board will get another change to look at the project and require some improvements to KM Ranch road and the existing infrastructure.

None.

**APPLICANT
REBUTTAL**

**STAFF
REBUTTAL**

Giles said the city of Whitefish had no comment on the zone change.

**MOTION TO
ADOPT F.O.F.**

Pitman made a motion seconded by Dziza to adopt FZC 07-12 as findings-of-fact.

**BOARD
DISCUSSION**

Cross was concerned about the high fire district. He said the Board is being asked to approve a zone change with an increase of homes in a high fire district. He said there is a big difference between SAG and AG. He said the findings-of-fact don't support that idea.

Harris said a PUD applications can be done through SAG-5, SAG-10, and AG-20.

Mower said SAG and AG aren't close to being the same. He said the zone change would be setting up islands and he doesn't support it. If everything around the property was being re-zoned it would make more sense.

Toavs said the Whitefish Hills Forest is in an AG-20 zone and the Wentz are in AG-40.

Giles said the Wentz are stuck because a family transfer has to be compliant with current zoning.

Cross said finding-of-fact #9 indicates KM Ranch road needs improvements.

Harris said the Board can approve, deny, or modify the zone change request.

Cross said the findings-of-fact are really answers to the nine criteria for a zone change.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote the motion passed 4-2 with Cross and Hall dissenting.

**MOTION TO
RECOMMEND
APPROVAL**

Dziza made a motion seconded by Toavs to recommend approval of FZC 07-12.

**BOARD
DISCUSSION**

Dziza said he reluctantly supported 10-acre zoning in the North Fork. He doesn't think 5 or 10 acre lots are inappropriate for the area. The zoning in place is 14 years old and a revision would be appropriate.

Mower doesn't think the zone change request is inappropriate because it changes the neighborhood. He would be in favor of changing the west part to AG-20 but no less.

Hall understands the Wentz request and why it should be SAG-10. The Thorton's want to give property to their son. She wanted to see the zone change broken into two separate requests.

Toavs doesn't think the zone change is terrible. The Wentz and Adams should be brought down to AG-20 to match what is there already.

	<p>The Board discussed how they would break up the zoning requests.</p> <p>Dziza didn't mean to imply that the zone change was creating affordable housing.</p>
ROLL CALL TO APPROVE	On a roll call vote the motion passed 4-2 with Mower and Cross dissenting.
ZONE CHANGE CADY FZC 07-13	A Zone Change request in the Evergreen Zoning District, by Richard Cady, from R-1 (Suburban Residential) to R-2 (One-Family Limited Residential). The property is located at 53, 55 and 59 W Reserve.
STAFF REPORT	Eric Giles reviewed Staff Report FZC 07-13 for the Board.
BOARD QUESTIONS	None.
APPLICANT PRESENTATION	<p>Richard Cady, 1513 Tamarack Lane, said his wife and himself purchased lot eight last summer. They bought the land because there were two dwellings on the property with separate utilities, sewer, etc. and were setup to be lived in. He bought the property thinking they could rent them both out. The property is zoned R-1 so they can only rent out one unit. He talked to the other two property owners and they agreed to rezone to R-2.</p> <p>Grieve said every parcel can have one single-family residence, but the minimum lot size is ½ acre.</p> <p>Cady said lot 8 has 2 dwellings and is zoned R-1 so it is not in compliance.</p> <p>Harris said there can be ½ acre lots with one dwelling per lot.</p> <p>Cady said there could only be 6 homes with the zone change, and there are already five homes on the property. He said there will be a separate access coming onto Shadow Lane and then access onto West Reserve.</p>
PUBLIC COMMENT	None.
STAFF REBUTTAL	None.
APPLICANT REBUTTAL	None.
BOARD DISCUSSION	<p>Harris asked Cady if Sands prepared a subdivision plat.</p> <p>Cady said they are doing a boundary line adjustment (BLA).</p>

Mower asked if one more unit would increase the hazard of traffic.

Giles said if you look at what is already on the ground, adding one more unit would not cause a hazard.

**MOTION TO
ADOPT F.O.F.**

Dziza made a motion seconded by Toavs to adopt Staff Report FZC 07-13 as findings-of-fact.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO
RECOMMEND
APPROVAL**

Dziza made a motion seconded by Mower to approve FZC 07-13.

**ROLL CALL TO
APPROVE**

On a roll call vote the motion passed unanimously.

**CALURS TEXT
AMENDMENT**

A request by the Middle Canyon Land Use Advisory Committee for various text amendments to the Canyon Area Land Use Regulatory System (CALURS). Changes are being proposed to Section 1.1 to clarify that CALURS is primarily a residential zone; Section 2.8 to clarify non-conforming use status and permitting for expansion of non-conforming uses; Section 3.1 to clarify exempt uses; Section 3.3(A) to clarify when Minor Land Use review is appropriate; Section 3.3(B) to clarify when Major Land Use review is appropriate; Section 3.3(B)(4) to give the Commissioners greater discretion in considering applications for land use change; Section 6.2(B) and (C) to eliminate "industrial activity areas" as minor and major land uses and Section 7.16 to add "mineral resource/gravel extraction" to the definition of industrial use. Additionally, numerous references to the "Flathead Regional Development Office" (FRDO) throughout the document are being replaced with "Flathead County Planning and Zoning Office". Changes apply only to those areas zoned CALURS, (Lake Five, West Glacier, Nyack, Pinnacle, Essex, and Bear Creek areas).

STAFF REPORT

BJ Grieve reviewed the Text Amendment for the Board.

**BOARD
QUESTIONS**

Mower asked if there is a source of gravel in the area.

Grieve said if there is an existing gravel operation it can continue to operate in the area. He said Spoklie's gravel pit is operational. He said a new gravel pit can not be opened in the CALURS zoning. The only reason Spoklie was allowed to create a gravel pit was because it was an expansion of an industrial activity area. He said there are a lot of administrative updates.

Pitman asked if the County or State could open a gravel pit in the CALURS.

Grieve said no.

Hall asked about page 13.

Grieve said it allows the Commissioners the ability to interpret the findings-of-fact rather than hold them to a standard list of criteria.

Pitman asked if the state had an opportunity to look at the CALURS.

Grieve said there were no agency referrals done on CALURS.

**APPLICANT
PRESENTATION**

Charlie Logan, 225 Lake 5 Road, said Grieve summed up what is being applied for. They held four public hearings and there was not one objection to the plan. He is one of the three members on the Middle Canyon Advisory Committee.

Ann Fagre, 222 Glacier Vista Drive, is in favor of the text changes. She was recently appointed to the advisory committee. She asked the Board for a favorable recommendation.

John Gillespie, 1090 Belton Stage Road, said the committee wanted to address the issue of large industrial complexes, not just gravel pits. They wanted certain protections against larger types of manufacturing facilities.

Grieve said CALURS complies with the Growth Policy and what is there should be protected.

**PUBLIC
COMMENT
STAFF
REBUTTAL**

None.

None.

**APPLICANT
REBUTTAL**

None.

**BOARD
DISCUSSION**

None

**MOTION TO
ADOPT F.O.F.**

Dziza made a motion seconded by Mower to adopt FZTA 07-03 as findings of fact.

**ROLL CALL TO
ADOPT F.O.F.**

On a roll call vote the motion passed unanimously.

**MOTION TO
RECOMMEND
APPROVAL**

Dziza made a motion seconded by Pitman to recommend approval of FZTA 07-03.

**ROLL CALL TO
RECOMMEND
APPROVAL**

On a roll call vote the motion passed unanimously.

OLD BUSINESS

Cross asked about the committee appointments.

Grieve said there are no open spaces on the Impact Fee Committee.

Cross said Toavs and Dziza are volunteering to be on the committee.

Harris said it will be up to the Commissioners to make the decision.

Cross said Mower expressed an interest in the Long Range Planning Task Force.

Harris explained what the Long Range Planning Task Force did.

The Board discussed how they were going to move forward with the subdivision regulations meeting.

NEW BUSINESS

Harris handed out the compilation of the previous years activities.

ADJOURNMENT

The meeting was adjourned at approximately 9:10 p.m. on a motion by Dziza seconded by Toavs. The next meeting will be held at 6:00 p.m. on January 20, 2008.

Gordon Cross, President

Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 6/4/08